

EXHIBIT 75

SECOND MAO DECLARATION PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

5 ANIBAL RODRIGUEZ, et al.,)
6 individually and on behalf of)
7 all others similarly situated,)
8 Plaintiffs,)
9) Case No.:
10 vs.) 3:20-CV-04688
11)
12 GOOGLE LLC, et al.,)
13)
14 Defendant.)
15)

* * CONFIDENTIAL * *

Videotaped Deposition of
ANIBAL RODRIGUEZ
(Conducted Remotely)
Sunday, October 16, 2022
12:03 p.m. EDT

24 Job No.: 5516994
25 Reported by: BRENDA MATZOV, CSR NO. 9243

1	invading your privacy; right?	13:59:12
2	A. The -- my -- invasion of privacy.	13:59:15
3	Right.	13:59:18
4	Q. And in spite of that, you chose last	13:59:20
5	year to purchase an Android phone again, didn't	13:59:24
6	you?	13:59:28
7	A. Yeah.	13:59:28
8	Q. Why didn't you switch phones --	13:59:32
9	A. Why should --	13:59:33
10	Q. -- to a different --	13:59:33
11	A. -- I? Why should --	13:59:33
12	Q. -- non-Android phone?	13:59:33
13	A. Why should I change phones? Why	13:59:37
14	wouldn't the but -- the button just work?	13:59:38
15	MR. LEE: Hold on.	13:59:41
16	Counsel, are you -- are you trying --	13:59:41
17	are you representing that -- that Google doesn't	13:59:42
18	collect information with WAA off from non-Android	13:59:45
19	smartphones? Are you making that representation	13:59:49
20	here?	13:59:53
21	MS. ARAKAKI: This is my deposition.	13:59:54
22	And we're not -- I'm not questioning you. I'm	13:59:54
23	talk -- I'm questioning the witness.	13:59:57
24	BY MS. ARAKAKI:	13:59:58
25	Q. So my question is --	13:59:58

1	MR. LEE: So no --	14:00:00
2	BY MS. ARAKAKI:	14:00:00
3	Q. -- Mr. Rodriguez --	14:00:00
4	MR. LEE: -- representation from you?	14:00:00
5	No representation from you; is that right?	14:00:01
6	MS. ARAKAKI: This is my deposition.	14:00:04
7	I'm asking the questions here.	14:00:04
8	BY MS. ARAKAKI:	14:00:09
9	Q. Mr. Rodriguez, when you made the	14:00:09
10	decision last year to purchase an Android	14:00:11
11	phone, did you consider the allegations you	14:00:13
12	made in this case the year before?	14:00:16
13	A. Yes.	14:00:18
14	Q. Did you consider it in the purchase	14:00:18
15	decision you made?	14:00:24
16	A. Yes.	14:00:27
17	Q. How did it factor into your purchase	14:00:29
18	decision?	14:00:31
19	A. Well, what -- what -- why -- you know,	14:00:33
20	why I bought the -- the -- the device? Is that	14:00:37
21	what you said?	14:00:39
22	Q. How did the fact that you had -- no.	14:00:45
23	I'll rephrase.	14:00:46
24	How did the fact that you had made	14:00:47
25	allegations in July 2020 that Google -- to	14:00:50

1 use your words -- was engaging in disturbing 14:00:52
2 conduct by collecting data while WAA is off 14:00:56
3 factor into your decision to purchase another 14:00:56
4 phone that used the Android software system? 14:01:00
5 A. Because, you know, being limited to 14:01:05
6 what I have as far as options. Again, I'm not 14:01:06
7 a rich person. I don't -- I don't have money 14:01:09
8 to buy certain phones. My provider had a great 14:01:11
9 deal and I had to do that. Sometimes I -- you 14:01:16
10 know, you have to go that route. I mean, that's 14:01:19
11 basically what it comes down to. I mean, that's -- 14:01:23
12 that's why I chose to do that. 14:01:25
13 But, again, WAA's off, it should not 14:01:29
14 be collecting data, you know. It -- it's plain 14:01:33
15 and simple. 14:01:37
16 And, again, we're -- we're -- we're 14:01:42
17 in this here. And as -- as far as what we're 14:01:43
18 investigating, I didn't want to change any of 14:01:51
19 my -- my -- my activities or -- or what I'm doing 14:01:53
20 if before -- if -- if we're in this investigation, 14:01:59
21 I needed to keep what I had. 14:02:01
22 So my phone still had same apps, still 14:02:04
23 have WAA off, and my -- my behaviors are still 14:02:08
24 the same. In order for this to continue, I want 14:02:11
25 to make sure that you know that I still have 14:02:15

1	the same behaviors.	14:02:17
2	Q. Why did you think it was important	14:02:21
3	that you have the same behaviors during your	14:02:24
4	investigation?	14:02:26
5	A. Because we're -- we're in this	14:02:27
6	investigation. And if -- if everything is --	14:02:28
7	you know, if -- if you are indeed taking	14:02:30
8	information from me without my permission,	14:02:34
9	we need to know. So my phone is still there,	14:02:36
10	the same way it was before -- before the	14:02:40
11	allegation and while we're in this deposition.	14:02:42
12	So why I have the same phone is so	14:02:45
13	that way we can figure out what's going on.	14:02:49
14	And, obviously, at the end of the day, we'll	14:02:52
15	figure out what -- what's really happening.	14:02:54
16	Q. How will you do that?	14:02:57
17	A. Well, you're -- we're -- we're doing	14:03:00
18	an investigation. We're in this lawsuit here.	14:03:01
19	And I have lawyers and other professionals that	14:03:04
20	are looking into that.	14:03:08
21	Q. Besides what your lawyers are doing,	14:03:13
22	do you have any knowledge about what is being	14:03:14
23	done to investigate your allegations?	14:03:17
24	MR. LEE: I think she's asking about	14:03:21
25	things beyond discussions you've had with counsel.	14:03:23

1	If you can answer that, go ahead. But don't	14:03:25
2	reveal any discussions. You can -- you can --	14:03:28
3	you can state that you had discussions with	14:03:29
4	counsel. But I don't want you to get into	14:03:34
5	any of the contents. Okay?	14:03:37
6	THE WITNESS: Right.	14:03:39
7	So can you repeat the question again?	14:03:39
8	BY MS. ARAKAKI:	14:03:41
9	Q. So you said several times that the	14:03:41
10	reason you couldn't change from an Android	14:03:43
11	phone is because you were in the middle of	14:03:46
12	an investigation in this case.	14:03:48
13	What are you doing to investigate	14:03:50
14	your allegations besides what you've discussed	14:03:52
15	with counsel or have learned from counsel?	14:03:55
16	A. What have I done?	14:04:00
17	Well, again, this -- there are other --	14:04:01
18	there are other people involved. For instance,	14:04:05
19	professionals that are digging into this	14:04:08
20	information. As far as the details, I'm not	14:04:10
21	a tech guy, so I wouldn't know. But I'm trusting	14:04:12
22	that the people on my team are going to get to	14:04:16
23	the bottom of it.	14:04:20
24	Q. Besides your attorneys, who are you	14:04:20
25	referring to when you say professionals and	14:04:22

1 But if -- if we're talking about who 18:10:12
2 can get that information and who can use that 18:10:17
3 information and you're choosing a specific 18:10:20
4 company not to gather that information, I think 18:10:25
5 it should be honored. 18:10:28
6 But, you know, again, if this is on 18:10:30
7 here and it's gathering information for someone 18:10:32
8 to collect from someone and if that someone 18:10:35
9 doesn't want that data shared, whether they 18:10:39
10 know or not -- and maybe they should look into 18:10:42
11 ways to protect that information, which, if you 18:10:47
12 are someone like that, more likely you are going 18:10:51
13 through those options. 18:10:54
14 For instance, WAA, if, let's say -- 18:10:55
15 let's hype -- let's say the person who has WAA 18:10:59
16 off and they go to this website, they can safely -- 18:11:03
17 they should at least assume that this information 18:11:07
18 that's gathered is not going to be shared with 18:11:12
19 Google. And that's where it comes -- what it 18:11:15
20 comes down to. So if they have it on and you're -- 18:11:18
21 and you're collecting it from this website, that's 18:11:22
22 totally up to them. 18:11:26
23 Q. Okay. So you just said something very 18:11:30
24 interesting. You said the customer, when they 18:11:31
25 go to this website Eco Clean Detail [sic], if 18:11:33

1 "harmed," it's -- it -- it -- it's -- it's -- 18:12:30
2 harm is -- is -- is -- is a vague word. When 18:12:31
3 you say have I been harmed physically -- I've 18:12:36
4 been harmed. 18:12:41
5 It's -- it's really -- it's -- it's 18:12:42
6 not okay for someone to take your information 18:12:43
7 without your -- your consent at any given time, 18:12:47
8 no matter what the situation is. The harm that 18:12:53
9 comes with that is the fear of someone getting 18:12:56
10 your information and who knows what they're 18:12:59
11 using it for. I don't know. 18:13:03
12 So it's -- it -- so for me to feel 18:13:04
13 safe and understand that, hey, you know what, 18:13:08
14 if this [audio fades] says the information 18:13:10
15 that they are deciding to gather, if it's on, 18:13:13
16 if -- that's fine and I'm okay with that if 18:13:19
17 I'm -- I'm agreeing to that. 18:13:21
18 But if I have it off, it's not a -- 18:13:23
19 it's -- it's -- it's -- it's a terrible thing 18:13:26
20 to do to someone, to get information from them 18:13:29
21 after you've already agreed to them -- after you 18:13:32
22 say -- after Google says that Google understands 18:13:34
23 that it's a big responsibility for them and they 18:13:39
24 work really hard to protect my information and 18:13:43
25 they put me in control. 18:13:45

1 So when you say that, it tells me 18:13:48
2 that, okay, I should feel safe. But when you 18:13:50
3 don't feel safe, isn't that harmful? It is. 18:13:55
4 So if I'm not in control, it's -- it's -- who 18:13:58
5 knows what's going on? And when you tell me 18:14:01
6 that I -- I have control and I have the choice, 18:14:04
7 then you should -- you should abide by that. 18:14:07
8 So that's the harm that comes in play. 18:14:11
9 And I don't think anybody is -- having to deal 18:14:15
10 with this is -- is dealing with this in a -- 18:14:18
11 in a okay way. I'm sure they're feeling harm 18:14:22
12 in some way, shape, or form. And that's why 18:14:26
13 we're here. We need to fix this issue. If 18:14:32
14 that button is fixed and it does what it does, 18:14:33
15 we can feel safe again. 18:14:33

16 Q. Okay. So you took issue with the 18:14:38
17 word "harmed," and you said it's vague. But 18:14:41
18 you used the word "harmed" in your Complaint 18:14:44
19 and you said that Google had harmed you by 18:14:47
20 collecting information. So I'm trying to 18:14:48
21 understand what that harm is. 18:14:51
22 So it sounds like that's a "yes" to 18:14:52
23 my question, you've not been harmed physically; 18:14:55
24 right? 18:14:58

25 A. Physically? Well -- 18:14:58

1	Q. Correct.	18:15:01
2	A. -- define --	18:15:01
3	Q. Physically.	18:15:01
4	A. -- "physically."	18:15:01
5	Is it that -- did I feel hurt? Did	18:15:01
6	I get cut by it? Did I break my arm? Is that	18:15:05
7	what you mean by "physically"?	18:15:08
8	Q. Do you recall seeing your Complaint?	18:15:12
9	A. I -- I'm sorry? But I'm -- I'm just	18:15:14
10	asking. Did -- is -- is -- is that what you	18:15:20
11	meant?	18:15:22
12	Q. So I'm just trying to understand -- sure.	18:15:22
13	A. Right. That's what I'm --	18:15:25
14	Q. Were you --	18:15:26
15	A. That's what I'm --	18:15:26
16	Q. -- harmed physically?	18:15:26
17	A. -- trying to figure out.	18:15:26
18	Q. Were you harmed physically on your	18:15:30
19	body?	18:15:32
20	A. Again, that's what I'm asking. Is	18:15:34
21	it -- is -- do you mean, like, did I get cut?	18:15:36
22	Or did I break my arm because of it?	18:15:38
23	Q. When you hear the phrase "physical	18:15:42
24	harm," what do you understand that to mean?	18:15:45
25	A. That's what I'm trying to clear up.	18:15:46